

REMARKS/ARGUMENTS

Applicant would like to thank the Examiner for the careful consideration given the present application. Reconsideration of the subject patent application in view of the present remarks is respectfully requested.

Claims 1, 5 and 13-14 are amended.

Claim Rejections - 35 USC § 103

Claims 1-5 and 7-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tagawa et al. (US 2002/004538; hereinafter "Tagawa") in view of Futamase et al (2004/0007120; hereinafter "Futamase").

Regarding the amended claims 1 and 5, neither Tagawa nor Futamase, alone or in combination, discloses, teaches or renders foreseeable that a change of the superposition of the output of the reproducing unit and the output of the informing unit in time series is made based on the extracted meta information (i.e., the meta information extracted from the contents being reproduced).

The Office action states that Tagawa discusses fading in of the ring tone and fading out of the media reproduction being controlled by the reproducing procedures in a time sequence. However, there is no disclosure in Tagawa that the fading in and the fading out are made based on the meta information extracted from the contents being reproduced. As admitted by the Examiner in the Office action, the fading in and the fading out of Tagawa are made based on the communicating party (Tagawa, [0023]).

The Office action states that Futamase discusses the ring tone is selected based on performance data of the music data being played such as Karaoke song. However, Futamase merely discloses that music reproduction is executed in accordance with the performance data of the music information selected as the melodious ringing tone (Futamase, [0231]). There is no disclosure in Futamase that the performance data is extracted from the contents being reproduced and that the change of the superposition is made based on the extracted performance data. In fact, Futamase is silent about controlling the superposition of the outputs of the reproducing unit and the informing unit.

Accordingly, the combination of Tagawa and Futamase does not meet all of the limitations of claim 1 or 5. Therefore, the asserted combination of Tagawa and Futamase does not render claims 1 and 5 obvious. Thus, withdrawal of the rejection as it applies to claims 1 and 5 is respectfully requested.

Claims 2-4, 9-10 and 13 which are dependent from claim 1 should also be allowable for at least the same reason.

Claims 7-8, 11-12 and 14 which are dependent from claim 5 should also be allowable for at least the same reason.

In addition, regarding the amended claims 13 and 14, neither Tagawa nor Futamase, alone or in combination, discloses, teaches or renders foreseeable that the change of the superposition is made based on type of the contents being reproduced.

In consideration of the foregoing analysis, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is

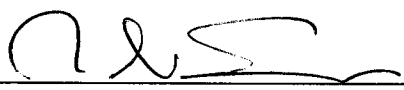
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Reply to Office action of December 22, 2009

determined that the application is not in a condition for allowance, the examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No.: NGB-41245.

Respectfully submitted,

PEARNE & GORDON LLP

By: 
Nobuhiko Sukenaga, Reg. No. 39446

1801 East 9th Street
Suite 1200
Cleveland, Ohio 44114-3108
(216) 579-1700

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